

DEPARTMENT OF STATE

Bureau of Oceans and International
Environmental and Scientific Affairs

[Public Notice 2528]

Certifications Pursuant to Section 609
of Public Law 101-162

April 3, 1997.

SUMMARY: On April 30, 1996, the Department of State certified, pursuant to Section 609 of Public Law 101-162, that 36 countries with commercial shrimp trawl fisheries have adopted programs to reduce the incidental capture of sea turtles in such fisheries comparable to the program in effect in the United States and have an incidental take rate comparable to that of the United States, or that the fishing environment in the countries does not pose a threat of the incidental taking of species of sea turtles protected under U.S. law and regulations. The Department has also certified four other countries since that time. The Department was unable to issue a certification for Brazil on April 30, 1996, and, as a result, imports of shrimp harvested in Brazil in a manner harmful to sea turtles were prohibited effective May 1, 1996. The Department of State subsequently issued a certification for Brazil on April 2, 1997, and, as a result, the ban on shrimp imports from that country that had been in effect since May 1, 1996, was lifted.

EFFECTIVE DATE: April 18, 1997.

FOR FURTHER INFORMATION CONTACT: Hollis Summers, Office of Marine Conservation, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State, Washington, DC 20520-7818; telephone: (202) 647-3940.

SUPPLEMENTARY INFORMATION: Section 609 of Public Law 101-162 prohibits imports of shrimp unless the President certifies to the Congress not later than May 1 of each year either: (1) That the harvesting nation has adopted a program governing the incidental capture of sea turtles in its commercial shrimp fishery comparable to the program in effect in the United States and has an incidental take rate comparable to that of the United States; or (2) that the fishing environment in the harvesting nation does not pose a threat of the incidental taking of sea turtles. The President has delegated the authority to make this certification to the Department of State. Revised State Department guidelines for making the required certifications were published in the **Federal Register** on April 19, 1996 (61 FR 17342).

On April 30, 1996, the Department of State certified that 36 shrimp harvesting nations have met, for the current certification year, the requirements of the law. The Department has also certified four additional countries since that time. The Department of State was unable to certify Brazil at that time. As a result, imports of shrimp from Brazil that were harvested in ways harmful to sea turtles were prohibited pursuant to Public Law 101-162, effective May 1, 1996.

The Department did not previously certify Brazil because the Government of Brazil had not demonstrated that its sea turtle protection program was comparable to that of the United States, or that its specific fishing environment did not pose a threat to sea turtles. The Government of Brazil has now provided documentary evidence of the adoption of a sea turtle protection program comparable to the program in the United States. On February 19, 1997, Brazil adopted a regulation prohibiting shrimp trawling conducted in ways harmful to sea turtles. The regulation requires all shrimp trawl vessels, including the vessels fishing for pink shrimp in the southern region, to use turtle excluder devices (TEDs). The Department of State, therefore, was able to certify to Congress that Brazil has met the standards of Section 609 of Public Law 101-162.

Dated: April 3, 1997.

Mary Beth West,*Deputy Assistant Secretary for Oceans.*

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TENNESSEE VALLEY AUTHORITY

Upper Ocoee River Corridor
Recreational Development, Polk
County, TN, Ocoee Ranger District,
Cherokee National Forest**AGENCY:** Tennessee Valley Authority.**ACTION:** Issuance of record of decision.

SUMMARY: This notice is provided in accordance with the Council on Environmental Quality's regulations (40 CFR 1500 to 1508) and TVA's implementing procedures. As a cooperating agency, TVA's Board of Directors has decided to adopt Alternative 5, the environmentally preferred alternative, identified in the United States Department of Agriculture, Forest Service, Cherokee National Forest's final environmental impact statement (EIS), "Upper Ocoee River Corridor Recreational Development, Polk County, Ocoee

Ranger District, Cherokee National Forest." The final EIS was made available to the public on February 14, 1997. A Notice of Availability of the final EIS was published by the Environmental Protection Agency (EPA) in the **Federal Register** on February 21, 1997 (62 FR 8012-8013). The preferred alternative proposes a maximum level of land-and water-based recreation development to provide and meet the increasing demand for a variety of recreation opportunities in the Upper Ocoee River Corridor.

In support of maximum recreation development in the Upper Ocoee River Corridor, TVA has decided to release water from Ocoee No. 3 Dam into the upper Ocoee River channel to accommodate special events and commercial and recreation use of the river. TVA will make available water releases for up to 20 days per year for special competitive events associated with the Ocoee Whitewater Center and up to 54 days per year for commercial rafting and recreational use. Water releases will be consistent with TVA water management objectives and take into account the existing TVA operations of Blue Ridge and Ocoee No. 2 and 3 dams. Water releases will require TVA be reimbursed for revenues foregone by diverting water used for power generation to recreation use. However, TVA has decided to "sponsor" without reimbursement up to 10 days of the 20 days of water releases for special events annually for a five year period.

FOR FURTHER INFORMATION CONTACT:

Linda B. Oxendine, Senior NEPA Specialist, Environmental Management, Tennessee Valley Authority, 400 West Summit Hill Drive, Mailstop WT 8C, Knoxville, Tennessee 37902-1499, telephone (423) 632-3440 or e-mail lboxendine@tva.gov. Copies of the final EIS may be obtained by writing to Dave Carroll, Cherokee National Forest, USDA Forest Service, P. O. Box 2010, Cleveland, Tennessee 37320, or by calling (423) 476-9700.

SUPPLEMENTARY INFORMATION: In July 1995, TVA and the state of Tennessee were invited by the Forest Service to participate as cooperating agencies in an EIS on post Olympic recreation use of the Upper Ocoee River Corridor. TVA agreed to participate in the EIS because it controls water flows within the Ocoee River and its approval of water-related structures would be needed under Section 26a of the TVA Act. TVA must approve water releases for river based recreational opportunities. TVA's actions are limited to those described above.